

## **Compatibility Determination**

**Use:** Trail Marking and Marker Maintenance

**Supporting and Incidental Uses:** Camping, dog sledding, photography, video, snowshoeing, gathering (subsistence), wildlife observation, fixed-wing aircraft, snowmobiling, and tree and firewood harvest.

**Refuge Name:** Selawik National Wildlife Refuge

**Establishment and Acquisition Authority:** The Alaska National Interest Lands Conservation Act (ANILCA) established the 2.5-million-acre Selawik National Wildlife Refuge (Selawik refuge, refuge) as part of the U. S. Fish and Wildlife Service National Wildlife Refuge System (Department of the Interior) on December 2, 1980.

**Selawik Refuge Purposes:** As stated in ANILCA Section 302 (7) (B), the purposes for which the Selawik refuge was established and shall be managed include:

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Western Arctic caribou herd (including participation in coordinated ecological studies and management of these caribou), waterfowl, shorebirds and other migratory birds, and salmon and Sheefish;
- (ii) to fulfill international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.

The purpose of the congressionally designated Selawik Wilderness Area is to secure an enduring resource of wilderness, protect and preserve the wilderness character of the area as part of the National Wilderness Preservation System (NWPS), and administer the area for the use and enjoyment of the American people in a way that will leave it unimpaired for future use and enjoyment as designated wilderness.

### **National Wildlife Refuge System Mission**

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C. 668dd-668ee]).

### **Description of Uses**

A network of winter snowmobile trails is used by the public to travel between villages in and around Selawik refuge. The routes for these trails were established and marked prior to the refuge's creation and vary little year to year. Groups including the Northwest Arctic Borough, tribal

governments, search and rescue organizations, and individuals traveling on them periodically mark these trails to make travel safer in poor weather conditions. Markers are typically cut willows or wooden poles made into tripods with attached reflective material such as tape. In wooded areas, reflectors are attached directly to trees. Markers are generally located no more than 500 feet apart. Trails are marked in November through March by individuals using a snowmobile when there is adequate snow cover and weather permits. There are 271 miles of marked winter trails within the refuge boundary with 112 miles of those occurring on the refuge land. These trails link the villages of Noorvik and Selawik to Buckland, Shungnak, Kotzebue, and Ambler.

### **Availability of Resources**

Adequate refuge personnel and base operational funds are available to manage marking and maintenance activities at existing and projected levels. Management involves administrative staff time for partnerships and associated written agreements with interested parties, memorandums of understanding, review of permit stipulations and proposed activities. Field work associated with administering the program primarily involves monitoring compliance with the terms of the permit. Monitoring compliance of permit conditions is typically done in conjunction with non-related projects and travel between villages.

### **Anticipated Impacts of Uses**

Minimal impacts to habitats within the refuge are anticipated. Compaction of snow on regularly used trails may delay melting and cause some damage to vegetation due to breakage. There are no impacts to recreational or subsistence users anticipated due to trail markers or their associated activities. Because of the nature of the trails and location of villages, it is not expected that trails would be marked within the wilderness area. Moose and caribou have been known to have tripods temporarily caught on their antlers as a result of them rubbing against structures. Such incidents are rare. Necessary actions to minimize impacts of trail marking and markers in specific areas will be addressed on a case-by-case basis through special use permits. Poles used are biodegradable untreated wood; once the tripods collapse from natural degradation, they typically lay flat on the tundra and are covered by snow in the winter and pose no safety risk to snowmobile travelers. Reflective tape attached to the markers typically breaks down over time due to exposure to sunlight, and wire used to hold tripods upright eventually oxidizes; resulting impacts to the refuge are minimal.

### **Public Review and Comment**

Public comments were solicited concurrently with the revision of the Selawik National Wildlife Refuge's Comprehensive Conservation Plan and Environmental Assessment (USFWS 2010). Public comments on compatibility determinations were accepted during the public review period for the draft plan and announced in the Federal Register. The public comment period was October 21, 2010 to March 15, 2011, which provided 145 days for public review. We mailed the full draft plan and a summary to the individuals and organizations on our mailing list. We invited public comments through an advertisement in a local newspaper and attended city council meetings in Selawik and Noorvik to receive comments on the draft plan. Planning team members met with the Citizen's Advisory Commission on Federal Areas to discuss the issues at Selawik refuge and alternatives that were proposed in the draft plan. The draft compatibility determinations were posted on the Service's Region 7 Web page.

We received no comments on the draft of this compatibility determination. Reviewers supported a formal partnership with other organizations to mark and maintain winter trails. A few reviewers

agreed that marking trails will improve the safety of local users. NANA requested more involvement in trail mapping so that trails can be accurately outlined in its GIS database.

**Refuge Determination (check one below)**

☐ Use is not compatible

☒ Use is compatible

**Stipulations Necessary to Ensure Compatibility**

Activities considered in this compatibility determination will only be allowed under the conditions of a valid special use permit, including the following stipulations. Permits are required only when initial trail marking is proposed on refuge land.

1. Failure to abide by any part of this special use permit; violation of any refuge related provision in Titles 43 (Part 36) or 50 (Subchapters B and C), Code of Federal Regulations (CFR); or violation of any pertinent State regulation (e.g., fish or game violation) will, with due process, be considered grounds for immediate revocation of this permit and could result in denial of future permit requests for lands administered by the U. S. Fish and Wildlife Service. This provision applies to all persons working under the authority of this permit (e.g., assistants). Appeals of decisions relative to permits are handled in accordance with 50 CFR 36.41.
2. The permit holder is responsible for ensuring that all employees, volunteers, party members, contractors, aircraft pilots, and any other persons working for the permit holder and conducting activities allowed by this permit are familiar with and adhere to the conditions of this permit.
3. Any problems with wildlife and/or animals taken in defense of life or property must be reported immediately to the refuge manager and Alaska Department of Fish and Game, and be salvaged in accordance with State regulations.
4. The permit holder and permit holder's clients do not have the exclusive use of the site(s) or lands covered by this permit.
5. This permit may be canceled or revised at any time by the refuge manager in case of emergency (e.g., unusual resource impacts or problems).
6. The permit holder or party chief shall notify the refuge manager during refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.
7. Prior to beginning any activities allowed by this permit, the permit holder shall provide the refuge manager with: (1) the name and method of contact for the field party chief or supervisor, (2) aircraft and other vehicle types to be used with vehicle/aircraft identification information, and (3) any changes in information provided in the original permit application.
8. In accordance with the Archaeological Resources Protection Act (16 USC 470aa), the removal or disturbance of archaeological or historical artifacts is prohibited. The excavation, disturbance, collection, or purchase of historical, recent, ethnological, or archaeological specimens or artifacts is prohibited.
9. The use of helicopters is prohibited without approval from the refuge manager and subject to a Minimum Requirements Analysis for designated wilderness.

10. The use of off-road vehicles is prohibited except for the use of snow machines during periods of adequate snow cover.
11. The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. It is recommended that all aircraft, except for takeoff and landing, maintain a minimum altitude of 2,000 feet above ground level.
12. Fuel caches are prohibited.
13. The permit holder shall maintain use areas in a neat sanitary condition. Latrines must be located at least 150 feet from springs, lakes, and streams when possible to avoid contamination of water resources. All property of the permit holder must be removed from refuge lands upon completion of permitted activities.
14. Trail markers will be free standing constructed tripods (not anchored with rebar) made of untreated timber.
15. Markers will be maintained in a manner providing safety for travelers using the trails. This includes inspection and replacement of tripods and reflectors on a periodic basis so as to prevent missing markers.
16. The approximate locations are identified on the maps included in the letter of request and a geo-referenced map or database of marked trails provided once completed.
17. The refuge office will be notified via letter or telephone when the trail marking is complete.
18. The permit holder shall indemnify, defend, and hold the United States, its agents, and employees harmless from any claim, loss, damage, penalty, death, or personal injury of whatever kind resulting from permit holder's activities on and use of the permitted area.
19. Permit holder waives any claim or right of action permit holder may have against the United States in the event of damage to property, and injury to or death of any person that arises due to the activities authorized by this permit.

### **Justification**

Ensuring the opportunity for continued subsistence uses by local residents is one of the purposes of the Selawik refuge as established by ANILCA, the Refuge Improvement Act, and the Wilderness Act. Winter trail marking will facilitate this, and other compatible public activities on the refuge, by improving the safety of winter travel between communities within the refuge boundaries. After fully considering the impacts of these activities as described previously in the "Anticipated Impacts" section of this document, it is my determination that trail marking activities on the refuge do not materially interfere with or detract from the purposes of the refuge or the mission of the National Wildlife Refuge System.

### **Supporting Documents**

U. S. Fish and Wildlife Service. 1987. Selawik National Wildlife Refuge Final Comprehensive Conservation Plan, Wilderness Review and Environmental Impact Statement. U. S. Fish and Wildlife Service, Anchorage, Alaska. 378 pp.

U. S. Fish and Wildlife Service. 1987. Record of Decision: Selawik National Wildlife Refuge Comprehensive Conservation Plan, Environmental Impact Statement, Wilderness Review, and Wild River Plan. U. S. Fish and Wildlife Service, Anchorage, Alaska. 15 pp.

U.S. Fish and Wildlife Service. 2010. Draft Revised Comprehensive Conservation Plan and Environmental Assessment. Selawik National Wildlife Refuge. U.S. Fish and Wildlife Service, Anchorage, AK. 285 pp (plus ten appendices).

U. S. Fish and Wildlife Service. 2011. Final Revised Comprehensive Conservation Plan. Selawik National Wildlife Refuge. U.S. Fish and Wildlife Service, Anchorage, AK.

**Refuge Determination**

Refuge Manager/

Project Leader Approval:

  
\_\_\_\_\_  
Lee Anne Ayres


14 July 2011  
Date

**Concurrence**

Regional Chief

National Wildlife

Refuge System:

  
\_\_\_\_\_  
Mitch Ellis

7-20-2011  
Date

**Mandatory 10-Year Re-evaluation Date: 2021**

**NEPA Compliance for Refuge Use Decision**

\_\_\_\_\_ Categorical Exclusion without Environmental Action Memorandum  
\_\_\_\_\_ Categorical Exclusion and Environmental Action Memorandum  
  X   Environmental Assessment and Finding of No Significant Impact  
\_\_\_\_\_ Environmental Impact Statement and Record of Decision

